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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/202,783	05/24/99	FISCHER H	10191/913

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TM02/0921

EXAMINER	
WASYLCHAK, S	
ART UNIT	**PAPER NUMBER**
2164	

DATE MAILED: 09/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/202783	FISCHER et al
Examiner	**Group Art Unit**
WASYLCHAK	2164

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 8-17 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 8-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____.

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Interview Summary, PTO-413

☐ Notice of Informal Patent Application, PTO-152

☐ Other _____

Office Action Summary

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-17 (all preliminary amendments that cancel claims 1-7 in PCT /DE97/00995) are rejected under 35 U.S.C. 102(b) as being anticipated by Hurta et al. (US 5,602,919).

As per claim 8,

A method for posting debit information to a mobile intelligent storage device using a terminal, the terminal being in a wireless, secure communication with a computer, the method comprising the steps of:

-performing a mutual dynamic authenticity test between the computer, the terminal and the storage device using at least one data word, the at least one data word constantly changing; / col 2, L 59-64; fig 1(12: interrogator); col 4, L 65 to col 5, L 3; col 5, L 20-39; col 6, L 3-28; col 8, L 36-51. Hurta does not explicitly teach one data word constantly changing. However, this feature is deemed to be inherent to Hurta to either establish a random number generator for a mutual dynamic authenticity matching or generating a public key to match a private key or as a "dummy" data word to confuse potential hackers.

-generating the debit information using one of the computer and the terminal; / col 2, L 1-4; col 5, L 55-63; col 6, L 47-51

-processing the debit information using the storage device; / col 2, L 1-4; col 5, L 55-63; col 6, L 47-51

-before an interrupt-sensitive time period, transmitting a first data word of the at least one data word from the storage device to the terminal, the first data word being generated for the mutual dynamic authenticity test; / col 2, L 59-64; fig 1(12: interrogator); col 4, L 65 to col 5, L 3; col 5, L 20-39; col 6, L 3-28; col 8, L 36-51. Hurta does not explicitly teach one data word constantly changing. However, this feature is deemed to be inherent to Hurta to either establish a random number generator for a mutual dynamic authenticity matching or generating a public key to match a private key or as a "dummy" data word to confuse potential hackers.

-during the interrupt-sensitive time period, transmitting a particular signal from the terminal to the storage device, the particular signal including a posting triggering signal, a posting data record, an identifier generated using the first data word and a second data word of the at least one data word generated by one of the computer and the terminal; / col, L 59 to col 3, L 2 where accounting information is posting a transaction. Hurta does not explicitly teach an interrupt-sensitive time period. However, this feature is inherent in microprocessor systems in order to insert the information data field after the authentication protocol field(s) during a clock cycle.

-checking the identifier, using the storage device; col 5, L 21-45; col 2, L 59-64; fig 1(12: interrogator); col 4, L 65 to col 5, L 3; col 5, L 20-39; col 6, L 3-28; col 8, L 36-51

-posting the debit information as a function of the posting data record, using the storage device; / col 2, L 1-4; col 5, L 55-63; col 6, L 47-51

-generating a further identifier as a function of the second data word, using the storage device; / col 2, L 59-64; fig 1(12: interrogator); col 4, L 65 to col 5, L 3; col 5, L 20-39; col 6, L 3-28; col 8, L 36-51. Hurta does not explicitly teach one data word constantly changing. However, this feature is deemed to be inherent to Hurta to either establish a random number generator for a mutual dynamic authenticity matching or generating a public key to match a private key or as a "dummy" data word to confuse potential hackers.

-using the storage device, transmitting a confirmation signal and the further identifier to the computer via the terminal, the confirmation signal being provided to indicate that the debit information has been posted, the confirmation signal being transmitted from the terminal to the computer one of during and outside of the interrupt-sensitive time period. / col 2, L 1-4; col 3, L 11-14 where data is debit information; col 5, L 21-28, 55-63; col 6, L 47-51, 64 to col 7, L 5 where transaction response is the confirmation signal

As per claim 9,

The method according to claim 8, further comprising the step of: after the confirmation signal is transmitted, receiving an acknowledgment signal for the posted debit information from the computer by the terminal. / col 2, L 1-4; col 3, L 11-14 where data is debit information

col 5, L 21-28, 55-63; col 6, L 47-51, 64 to col 7, L 5 where transaction response is the confirmation signal

As per claim 10,

The method according to claim 8, wherein the mobile intelligent storage device includes an IC card. / abstract ; col 1, L 64-65; fig 4(66, 80, 82)

As per claim 11,

The method according to claim 8, wherein the wireless secure communication is performed via a computer station. / fig 1, 2(10)

As per 12;

The method according to claim 8, wherein the posting data record includes a transaction data record for creating a log book entry in the storage device. / col 2, L 1-4; col 5, L 55-63; col 6, L 47-51

As per claim 13,

The method according to claim 12, wherein the transaction data record is supplemented by an acknowledgment signal which is transmitted outside of the interrupt-sensitive time period. / col 2, L 1-4; col 3, L 11-14 where data is debit information; col 5, L 21-28, 55-63; col 6, L 47-51, L 64 to col 7, L 5 where the transaction response is the confirmation signal. Hurta does not explicitly teach confirmation transmission outside of the interrupt-sensitive time period. However, this feature is deemed inherent to Hurta since acknowledgment is necessary in case of an error in transmission and re-transmission is required.

As per 14,

The method according to claim 12, wherein the storage device is formed using a plurality of page records for storing the debit information, and

the method further comprising the steps of:

-temporally storing the transaction data record during the interrupt sensitive time period on a particular page record of the plurality of page records; and / col 7, L 9-20

-outside of the interrupt-sensitive time period, transmitting the transaction data record to a log book data file. / fig 4(82); col 5, L 21-35; col 7, L 16-20. Hurta does not explicitly teach transmitting outside the interrupt-sensitive time period. However, this feature is deemed inherent to Hurta since and audit trail is necessary for billing errors.

As per claim 15,

The method according to claim 14, further comprising the step of:

until the transmitting of the transaction data record to the log book data file is performed, blocking the storage device for posting the debit information. / fig 4(82); col 5, L 21-35; col 7, L 16-20. Hurta does not explicitly teach blocking storage. However, this feature is deemed inherent to Hurta since blocking storage of incoming accounting data until prior transactions are posted is necessary to avoid double counting.

As per claim 16,

The method according to claim 8, wherein the method is utilized to post use fee debit information. / col 2, L 1-4; col 3, L 11-14 where data is debit information; col 5, L 21-28, 55-63; col 6, L 47-51, 64 to col 7, L 5 where transaction response is the confirmation signal

As per claim 17,

The method according to claim 16, wherein the method is utilized to collect a toll for a motor vehicle. / fig 2; col 1, L 33-35

This action in NONFINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 7:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 2165 is (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Steven Wasylchak

9 /12/01

VINCENT MILLIN
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